

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC TEASLEY
341 N. Connecticut Avenue
Atlantic City, NJ 08401

Plaintiff

vs.

GREEN MTN. CONCERT SERVICES, INC.
25 Wentworth Drive
Williston, VT 05495

And

RED HAWK PROTECTION SOLUTIONS,
LLC
325-41 Chestnut St.
Philadelphia, PA 19106

And

JOHN DOES (1 – 10)

AND

XYX CORPS (1 – 10)

Defendant

CASE NO.

CIVIL ACTION

**DEFENDANT GREEN MTN. CONCERT SERVICES, INC. COMPANY'S NOTICE OF
REMOVAL**

AND NOW comes Defendant, Green Mtn. Concert Services, Inc., (hereinafter “Defendant”), by and through its attorneys, Michael F. Schleigh, Esq.. and Hardin Thompson, P.C., pursuant to the provisions of 28 U.S.C. §§ 1332, 1441, and 1446 and gives notice of the removal of this action from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United State District Court for the Eastern District of Pennsylvania, and in support thereof, avers as follows:

1. On or about December 4, 2023, Plaintiff (hereinafter “Plaintiffs”) commenced this action by filing a Complaint against Defendant in the Court of Common Pleas of Philadelphia County Civil Trial Division, which has been assigned Docket No. 231200224. The Complaint sets forth causes of action against Defendants for claims for negligence subject to a demand for a jury. Plaintiff also demands compensatory damages including interest from the date the claim was made, court costs, attorney fees and punitive damages. Pursuant to 28 U.S.C. §1446, copies of all service of process, pleadings, and orders provided to Defendant are attached hereto and marked as **Exhibit A.**¹

COMPLIANCE WITH THE PROCEDURAL ASPECTS OF THE REMOVAL STATUTE

2. This Notice of Removal is brought pursuant to 28 U.S.C. §§1332, 1441, and 1446.
3. This Notice of Removal is filed in compliance with 28 U.S.C. §1446(b) because it has been filed within thirty days after Defendant’s receipt of the initial pleading setting forth the claim for relief upon which the action is based.
4. The United States District Court for the Eastern District of Pennsylvania is the proper place to file this Notice of Removal under 28 U.S.C. §1441(a) because it is the federal district court that embraces the place where the original action was filed and is pending.
5. The Court of Common Pleas of Philadelphia County, Pennsylvania is located within the Eastern District of Pennsylvania.
6. The underlying action is not one described in 28 U.S.C. § 1445.
7. Defendant received notice of this Complaint on or about March 29, 2024. Pursuant to 28 U.S.C. § 1446(b), this notice has been timely filed because it has been filed within thirty (30)

¹ Said representations and documents are produced to the Court for purposes of establishing Defendant’s right to seek removal to this Court and all rights to challenge the propriety of alleged service of same is preserved for subsequent filings and not conceded by this filing.

days after Defendant's receipt of the initial pleading setting forth the claim for relief upon which the action is based.

DIVERSITY OF CITIZENSHIP

8. Plaintiff, Eric Teasley, is an individual residing at 341 N. Connecticut Avenue, Atlantic City, NJ 08401 and thus a citizen of the State of New Jersey.

9. Defendant, Green Mtn. Concert Services, Inc., is a corporation organized under the laws of Vermont, with a principal place of business located at 25 Wentworth Drive, Williston, VT 05495, and thus a citizen of Vermont.

10. Defendant, Red Hawk Protection Solutions, LLC is alleged to be a business organization with a principal place of business located at 325-41 Chestnut St., Philadelphia, PA 19106, and thus a citizen of the Commonwealth of Pennsylvania.

11. Counsel for Co-Defendant, Red Hawk Protection Solutions, LLC has provided consent to the removal of this matter. A copy of the consent is attached hereto as **Exhibit B**.

12. The remaining "John Doe" defendants of both individuals and business entities are not properly identified so that their citizenship status can be determined.

13. Therefore, there is complete diversity among the parties pursuant to 28 U.S.C. § 1332.

14. Upon information and belief, from the date of the filing of this action to the present, diversity of citizenship has existed between Plaintiff and Defendant.

AMOUNT IN CONTROVERSY

15. Plaintiff's Complaint asserts causes of action that amount to claims of negligence.

See Exhibit A, Plaintiffs' Complaint.

16. Plaintiff claims he was assaulted at an event at a New Jersey casino because Removing Defendant (and others) failed to provide adequate security at the event. Id. ¶¶ 9 – 18.

17. Plaintiff specifically makes claim for the following injuries and related damages: mandibular fracture displacement, mandibular fracture closed reduction, chin laceration, broken and/or chipped teeth, left upper quadrant stab wound, left arm stab/slash wound and permanent neurologic damages to his left arm, psychological and emotional damage, as well as “other serious and permanent injuries”, past and future medical expenses, past and future lost earnings and lost earning capacity, past and future embarrassment and humiliation, past and future ability to enjoy life’s pleasures, disfigurement, emotional distress, incidental costs, and out of pocket medical costs Id. at ¶¶ 22, 29.

18. Plaintiff alleged that his medical care has included: EMT transportation, x-rays, CT scans, MRIS, closed reduction surgery of his mandibular fracture, pain medication prescriptions, physical therapy and “other past and future medical treatment”. Id. at ¶ 23.

19. Plaintiffs filed this matter subject to the Philadelphia Major Jury program, which has a jurisdictional requirement of a demand for judgment in excess of \$50,000. Id.

20. Accordingly, plaintiffs’ Complaint establishes that the amount being sought, the amount in controversy, will almost certainly be in excess of the \$75,000.00 if he were to prove all of his claims jurisdictional threshold for removal to federal court.

**NOTICE OF REMOVAL TO THE COURT OF COMMON PLEASE OF
PHILADELPHIA COUNTY**

21. Concurrently with this Notice of Removal, Defendant will file a copy of this Notice with the Court of Common Pleas of Philadelphia County Civil Trial Division. A copy of the written notice of the Notice of Removal to Federal Court is attached hereto as **Exhibit C**. In accordance

with 28 U.S.C. § 1446(d), Defendant will give written notice to plaintiffs by contemporaneously serving this Notice of Removal on them.

22. By filing this Notice of Removal, Defendant does not waive any available defenses.

WHEREFORE Defendant, Green Mtn. Concert Services, Inc., respectfully requests that this civil action be removed from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully Submitted,

HARDIN THOMPSON, P.C.

/s/Michael F. Schleigh.

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*Attorneys for Defendant, Green Mtn.
Concert Services, Inc.*

Dated: April 17, 2024

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF REMOVAL**, was served via the Court's ECF system and regular mail on this day.

Howard G. Silverman, Esq.
Michael J. Cadigan, Jr., Esq.
Kane & Silverman, PC
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HARDIN THOMPSON, P.C.

/s/ Michael F. Schleigh.
By: Michael F. Schleigh, Esquire